

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 420 be amended to read as follows:

- 1 Page 4, line 3, after "proceeding" insert "**depreciation and**".
- 2 Page 4, line 3, after "return" insert ",".
- 3 Page 4, line 3, after "exceed" insert "**a total of**".
- 4 Page 4, line 4, after "(\$50,000,000)" insert ",".
- 5 Page 4, between lines 22 and 23, begin a new paragraph and insert:
- 6 "**(e) This section expires December 31, 2020, unless reauthorized**
- 7 **by the general assembly before December 31, 2020. However, a**
- 8 **return accrued under this section before January 1, 2021, expires**
- 9 **on the appropriate date determined under subsection (c)(2) even if**
- 10 **the expiration date occurs after December 31, 2020.**".
- 11 Page 5, line 36, after "needed." insert "**The commission may not**
- 12 **review an application submitted after December 31, 2020, unless**
- 13 **authorized to do so by the general assembly before January 1,**
- 14 **2021.**".
- 15 Page 6, between lines 11 and 12, begin a new line blocked left and
- 16 insert:
- 17 "**However, an electricity supplier may seek approval from the**
- 18 **commission at the electricity supplier's next general rate**
- 19 **proceeding to include in the electricity supplier's basic rates the**
- 20 **recoverable costs sought in an application approved under this**
- 21 **subsection.**".
- 22 Page 6, between lines 28 and 29, begin a new paragraph and insert:
- 23 "**(i) A financial incentive that the commission approves before**
- 24 **January 1, 2021, or that an electricity supplier applies for before**
- 25 **January 1, 2021, and that is subsequently approved, expires on the**
- 26 **earlier of the following dates:**
- 27 (1) **The date on which the electricity supplier accrues the full**
- 28 **recovery amount authorized by the commission.**
- 29 (2) **The date specified by the commission in its approval of the**
- 30 **financial incentive.**".
- 31 Page 8, line 6, after "facility" insert "**, including transmission lines**

1 **and equipment described in subsection (b),".**

2 Page 8, line 6, after "is" insert ":

3 **(1) installed or constructed at the site of a facility that supplies**  
 4 **electricity to Indiana retail customers as of July 1, 2009; and**  
 5 **(2)".**

6 Page 8, line 7, delete "(1)", begin a new line double block indented  
 7 and insert:

8 **"(A)".**

9 Page 8, line 9, delete "(2)", begin a new line double block indented  
 10 and insert:

11 **"(B)".**

12 Page 8, between lines 16 and 17, begin a new paragraph and insert:

13 "SECTION 10. IC 8-1-8.8-8, AS AMENDED BY P.L.175-2007,  
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2009]: Sec. 8. (a) As used in this chapter, "new energy  
 16 **production or** generating facility" refers to a generation or coal  
 17 gasification facility that satisfies all of the following:

18 (1) The facility produces energy primarily from coal or gases from  
 19 coal from the geological formation known as the Illinois Basin.

20 (2) The facility is a:

21 (A) newly constructed or newly repowered energy ~~generation~~  
 22 plant; or

23 (B) newly constructed ~~generation~~ capacity expansion at an  
 24 existing ~~facility; plant;~~

25 dedicated primarily to serving Indiana retail customers.

26 (3) The repowering, construction, or expansion of the facility was  
 27 begun by an Indiana utility after July 1, 2002.

28 (4) Except for a facility that is a clean coal and energy project  
 29 under section 2(2) of this chapter, the facility has an aggregate  
 30 rated electric generating capacity of at least one hundred (100)  
 31 megawatts for all units at one (1) site or a generating capacity of  
 32 at least four hundred thousand (400,000) pounds per hour of  
 33 steam.

34 (b) The term includes the transmission lines, gas transportation  
 35 facilities, and associated equipment employed specifically to serve a  
 36 new energy generating or coal gasification facility."

37 Page 11, line 18, delete "." and insert "**or fuel for the production**  
 38 **of electricity.**".

39 Page 11, line 19, delete "." and insert "**or coal mines.**".

40 Page 11, between lines 40 and 41, begin a new line block indented  
 41 and insert:

42 **"(12) Geothermal hot water district heating systems.**

43 **(13) Electricity generated through net metering that is**  
 44 **regulated under rules adopted by the commission or other**  
 45 **Indiana law.**

46 **(14) Energy storage facilities.**

47 **(15) A renewable energy resource listed in IC 8-1-8.8-10 to the**

1           **extent the renewable energy resource is not already described**  
2           **in this subsection."**

3           Page 13, between lines 17 and 18, begin a new paragraph and insert:

4           **"(g) The commission shall consider the costs incurred by an**  
5           **electricity supplier in complying with subsection (b) or (c), as**  
6           **applicable, as consistent with the requirements of IC 8-1-2-42(d)(1)**  
7           **when ruling on a fuel cost charge requested by the electricity**  
8           **supplier under IC 8-1-2-42(d)."**

9           Page 13, line 42, delete "twenty" and insert "**twenty-five**".

10          Page 13, line 42, delete "(\$20)." and insert "**(\$25).**".

11          Renumber all SECTIONS consecutively.

(Reference is to SB 420 as printed February 20, 2009.)

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Senator HERSHMAN